

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

EDDIE JAMES DAVIS, JR.

PETITIONER

V.

CIVIL ACTION NO. 3:22-CV-523-DPJ-FKB

MAJOR UNKNOWN
MCCARTHY, ET AL.

RESPONDENT

ORDER

On July 12, 2023, United States Magistrate Judge F. Keith Ball entered a Report and Recommendation [16] recommending this 28 U.S.C. § 2241 habeas petition be dismissed for mootness because the State disposed of the two arson counts Petitioner Eddie James Davis, Jr. challenged. Davis did not file an objection to the R&R, and the time to do so has now passed. While the copy of the R&R sent to Davis was returned as undeliverable, *see* Returned R&R [17], Judge Ball repeatedly warned Davis that failing to keep the Court informed of his current address would result in dismissal, *see* Orders [5, 6, 8, 11, 13]. It is apparent from the R&R that Davis did not receive the copy at the address on file—a Lauderdale County Detention Facility address—because the State “released him from custody.” R&R [16] at 2. That further supports Judge Ball’s finding of mootness.

Finding no clear error in Judge Ball’s R&R, the Court adopts it as its opinion. *See* Fed. R. Civ. P. 72(b) advisory committee’s note (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). This case is dismissed. A separate final judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 28th day of July, 2023.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE